

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

## CIVIL MINUTES - GENERAL

Case No. CV 12-05690-MMM(JCx)

Date September 6, 2012

Title Mark Baker, et al vs Varitalk Holdings LLC, et al

Present: The Honorable MARGARET M. MORROW

ANEL HUERTA

N/A

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None appearing

None appearing

**Proceedings: [In Chambers] Order to Show Cause re Dismissal re Lack of Prosecution**

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 120 days after the complaint is filed. Fed.R.Civ.Proc. 4(m). Generally, defendants must answer the complaint within 20 days after service (60 days if the defendant is the United States). Fed.R.Civ.Proc. 12(a)(1).

In the present case, it appears that one or more of these time periods has not been met. Accordingly, the court, on its own motion, orders plaintiff(s) to show cause in writing on or before **September 11, 2012** why this action should not be dismissed for lack of prosecution. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the court finds that this matter is appropriate for submission without oral argument. The Order To Show Cause will stand submitted upon the filing of plaintiff's response.

If plaintiff/defendant files

- ☐ Proof(s) of service of summons and complaint on the following defendant(s):
- ☒ An answer by the following defendant(s): **Varitalk Holdings LLC**  
or
- ☒ Plaintiff's application for entry of default pursuant to Rule 55a of the Federal Rules of Civil Procedure.
- ☐ Plaintiff's motion for default judgment pursuant to Rule 55b of the Federal Rules of Civil Procedure:

on or before the date indicated above, the court will consider this a satisfactory response to the Order To Show Cause.